

From: [John L. Parker](#)
To: [Kivowitz, Sharon](#); [Miriam E. Villani](#)
Subject: Re: New Cassel/Hicksville Groundwater Contamination Site
Date: Sunday, June 6, 2021 6:10:14 PM

Dear Sharon:

Thank you for providing this copy of the email between EPA and the parties from January.

As we discussed, we ask that we be included in these communications regarding this action going forward. It is important we be included in these communications to allow us to be informed regarding what happened, so that we can better assess the interests of our client.

In addition, despite discussions regarding participation in the June 3rd call with the other responsible party, we were not included in that conversation with USEPA staff.

I ask that we set up a call to briefly discuss that call at your earliest convenience.

Thank you in advance for your consideration.

Regards,

John

John Parker
Partner



Email: jparker@sahnward.com

www.sahnward.com

Nassau/Main Office: The Omni - 333 Earle Ovington Boulevard, Suite 601, Uniondale, NY 11553 Tel: 516.228.1300

Suffolk Office: 1300 Veterans Highway, Suite 100, Hauppauge, NY 11788 Tel: 631.203.4900

New York City Office: The Chrysler Building - 405 Lexington Avenue, 26th Floor, New York, NY 10174 Tel: 212.829.4375

Fax for all offices: 516.228.0038

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From: Kivowitz, Sharon <Kivowitz.Sharon@epa.gov>

Date: Tuesday, May 25, 2021 at 3:49 PM

To: John L. Parker <jparker@sahnward.com>, Miriam E. Villani <mvillani@sahnward.com>

Subject: FW: New Cassel/Hicksville Groundwater Contamination Site

Sharon E. Kivowitz
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
US Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10706
212-637-3183
Kivowitz.sharon@epa.gov

From: Kivowitz, Sharon

Sent: Wednesday, January 20, 2021 8:51 AM

To: Kevin Maldonado <kevinmaldonado64@yahoo.com>; Suzanne Avena <savena@garfunkelwild.com>; Phillip Landrigan (plandrigan@crl-law.com) <plandrigan@crl-law.com>; John Martin <jmartin@garfunkelwild.com>; Nicholas Rigano <nrigan@riganollc.com>; P. Rigano James (jrigano@riganollc.com) <jrigano@riganollc.com>

Cc: Vazquez, Julio <Vazquez.Julio@epa.gov>; Mannino, Pietro <Mannino.Pietro@epa.gov>; Doyle, James <Doyle.James@epa.gov>

Subject: New Cassel/Hicksville Groundwater Contamination Site

Regional Administrator Peter Lopez has requested that I respond to you regarding your proposal as laid out in your presentation during our October 27, 2020 teleconference. He wanted you to know how much he appreciated the opportunity to hear directly from you and to work collaboratively toward our common goals.

We have considered your presentation, and we believe there is value in further discussing your proposal to install extraction wells at the leading edge of the Eastern and Central plumes at the Site to prevent further migration of contaminated groundwater. However, because your proposal does not appear to include a plan that would fully delineate and address significant contamination upgradient of the leading edge of the plumes within OU1, we are concerned that your proposal does not address one of EPA's principal remediation goals for EPA's OU1 remedy, which is also a requirement of CERCLA - to restore the aquifer to its beneficial use as a drinking water source within a reasonable timeframe. EPA's ongoing OU3 investigation and the PDI investigation in the Western Plume of OU1 indicate that high levels of contamination are present within the OU1 boundary. As such, your proposal to contain the groundwater contamination cannot be performed in lieu of the work required to address the remaining data gaps and remediate the contaminated groundwater in OU1.

With the above in mind, EPA is willing to work on parallel tracks with your technical teams to achieve

the following: 1) re-evaluate the number and placement of wells called for in Table 3 of the PDI Workplan attached to the UAO in an effort to determine whether it may be appropriate to reduce the number of wells while still providing EPA with sufficient information to complete the design of the OU1 remedy, or to make a decision to change the OU1 remedy if the investigation indicates that a change to the remedy is warranted; and 2) continue discussing your proposals for placement of extraction wells at the leading edge of the Eastern and Central plumes and the discharge of the extracted groundwater to the POTW. Note that before EPA could consider direct discharge to the POTW, EPA will need to receive input from Nassau County regarding its views on the potential loss of this natural resource. Under your proposal, a potentially significant volume of extracted groundwater would be discharged to the POTW facility rather than being recharged to the aquifer. At other sites in Nassau County, which is located in an area with a sole source aquifer, Nassau County has raised concerns about groundwater remedial alternatives that do not include the recharge or re-injection of treated groundwater.

Depending on how the discussions proceed, and the conclusions reached, EPA will determine how to best memorialize any additional work identified in point 2, above, whether under the existing UAO or under a new enforcement instrument.

While discussions are progressing on points 1 and 2 above, within 60 days of your receipt of this email, please submit the following deliverables as required under Section 5.7 of the Statement of Work attached to the UAO: 1) Health and Safety Plan; 2) Emergency Response Plan; 3) Quality Assurance Project Plan; 4) Emergency Response Plan; and 5) Site Management Plan.

To continue these discussions or for questions on the required deliverables, please have your clients' Project Coordinator contact EPA's OU1 Remedial Project Manager, Julio Vazquez, at vazquez.julio@epa.gov or at 212-637-4323.

Sharon E. Kivowitz
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
US Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10706
212-637-3183
Kivowitz.sharon@epa.gov